

Attachment 1

COUNT 1

(Destruction of Government Property)

(18 U.S.C. § 1361)

On or about March 13, 2021, RICHARD TIMOTHY HERNANDEZ willfully damaged and destroyed, and attempted to damage or destroy, property owned by the United States, that is, glass windows of the Mark O. Hatfield United States Courthouse, which damage exceeds \$1000;

In violation of 18 U.S.C § 1361.

COUNT 2

(Destruction of Government Property)

(18 U.S.C. § 1361)

On or about March 20, 2021, RICHARD TIMOTHY HERNANDEZ willfully damaged and destroyed, and attempted to damage or destroy, property leased by the United States, that is, glass windows of the Portland Field Office of Immigration Customs Enforcement, which damage exceeds \$1000;

In violation of 18 U.S.C § 1361.

COUNT 3

(Destruction of Government Property)

(18 U.S.C. § 1361)

That on April 1, 2021, RICHARD TIMOTHY HERNANDEZ willfully damaged and destroyed, and attempted to damage or destroy, property owned by the United States, that is, glass windows of the Mark O. Hatfield United States Courthouse, which damage exceeds \$1000;

In violation of 18 U.S.C § 1361.

I, Micah Coring, being duly sworn, do hereby depose and state as follows:

Introduction and Agent Background

1. I am a Senior Special Agent with the Federal Protective Service (FPS) and have been since 2009. My current assignment is the Federal Protective Service Field Office in Portland, Oregon, where I am assigned to investigate general crimes. I am also a liaison for the Federal Bureau of Investigation's Joint Terrorism Task Force (JTTF) and the FPS agency representative for the Titan Fusion Center. I graduated from the Federal Law Enforcement Training Center's Criminal Investigator Training Program in August 2009. I have experience investigating crimes against federal employees and federal property, including threats and assaults on federal government employees, and damage to federal buildings and property.

2. I submit this affidavit in support of a criminal complaint and arrest warrant for Richard HERNANDEZ. As set forth below, I have probable cause to believe that HERNANDEZ committed or attempted to commit Destruction of Government Property of a federal building, namely the Mark O. Hatfield United States Courthouse and the Portland Field Office of the Immigration and Custom Enforcement (ICE), in violation of 18 U.S. Code § 1361.

3. The facts set forth in this affidavit are based on the following: my own personal knowledge, knowledge obtained from other individuals during my participation in this investigation, including other law enforcement officers, interviews of witnesses, my review of records related to this investigation, communication with others who have knowledge of the

events and circumstances described herein, and information gained through my training and experience. Because this affidavit is submitted for the limited purpose of establishing probable cause in support of the application for an arrest warrant, it does not set forth each fact that I or others have learned during this investigation.

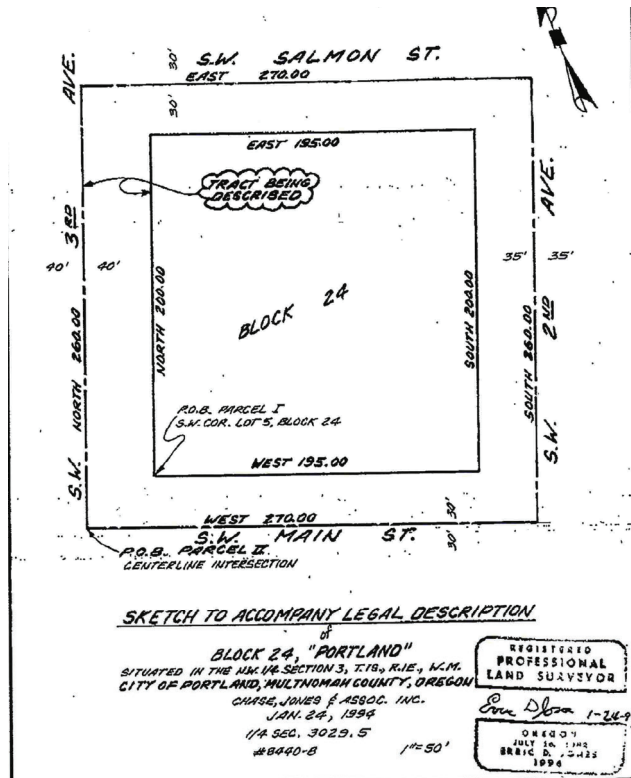
Applicable Law

4. 18 U.S.C. § 1361 makes it an offense to willfully injure or commit any depredation against any property of the United States, or of any department or agency thereof, or any property which has been or is being manufactured or constructed for the United States, or any department or agency thereof, or attempts to commit any of the foregoing offenses.

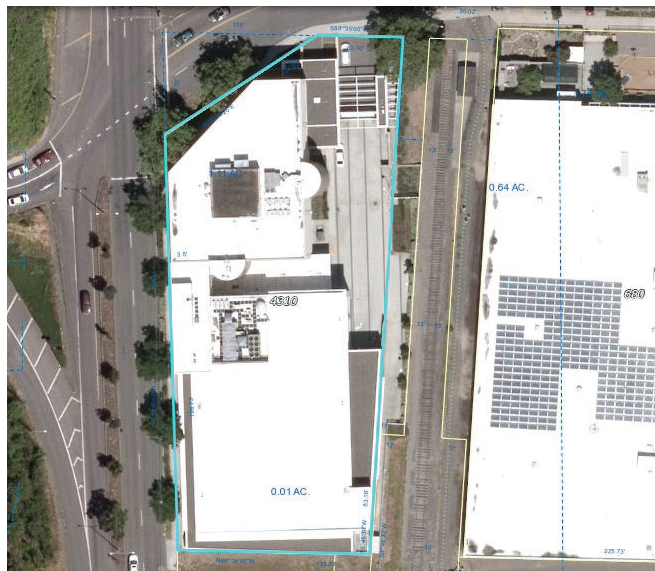
Statement of Probable Cause

5. Since on or about May 26, 2020, protesters have gathered regularly in Portland public areas including Elizabeth Caruthers Park, Lownsdale Square, Chapman Square, and Terry Schrunk Plaza among others. The Multnomah County Justice Center, which contains Portland Police Bureau's (PPB) Central Precinct and the Multnomah County Detention Center (MCDC), the Mark O. Hatfield United States Courthouse (Hatfield Courthouse), and the Edith Green-Wendell Wyatt Federal Building are across the street from three of these public areas.

6 The federal government owns the entire city block (Block #24) occupied by the Hatfield Courthouse. Easements have been granted for the sidewalks surrounding the Hatfield Courthouse, but the property boundary extends past the sidewalks and into the streets surrounding the courthouse, as shown below:



7. The federal government leases the entire facility occupied by ICE, located at ICE facility located at 4310 S Macadam Ave in Portland, OR., as depicted below.



8. When they have occurred, Portland protests have often been followed by nightly criminal activity in the form of vandalism, destruction of property, looting, arson, and assault. As a result, the Hatfield Courthouse and the ICE facility have experienced significant damage to the façade and building fixtures during the last year. Additionally, mounted building security cameras and access control devices have been vandalized or stolen. Other federal properties in Portland which have experienced heavy vandalism over the last 10 months include the historic Pioneer Federal Courthouse, the Gus Solomon Courthouse, the Edith Green Wendall Wyatt Federal Office Building, and the Citizenship and Immigration Service Building. Federal officials estimate \$2.3 million in damage has been inflicted on federal buildings in Oregon during the year's protests, including \$1.6 million in damage to the Hatfield US Courthouse. FPS law enforcement officers, Deputy U.S. Marshals, Boarder and Customs Enforcement Agents, and other federal law enforcement officers working to protect the Hatfield Courthouse have been subjected to threats, aerial fireworks (including mortars), high intensity lasers targeting officers' eyes, thrown rocks, bottles, and balloons filled with paint from demonstrators while performing their duties.

Hatfield Courthouse Damage – March 13-14, 2021

9. Beginning March 10, 2021, the General Services Administration and the FPS began the process of removing the fence surrounding the Hatfield Courthouse. These barriers had been erected during the summer of 2020 to protect the facility from nightly vandalism. By the afternoon of March 13, 2021 all fencing, concrete barriers and plywood had been removed from the facility.

10. A Multnomah County Sheriff's Deputy operates exterior Closed-Circuit Video (CCV) cameras at the Multnomah County Justice Center which borders the Hatfield Courthouse to the south. The cameras cover the area between the two buildings, some of the main entry to the courthouse and views to the front of both buildings. The deputy provided footage recorded the night of March 13, 2021, and the early morning of March 14, 2021. I reviewed the footage and saw HERNANDEZ throw 13 objects in the direction of the Hatfield Courthouse windows. Below are photos of the security video taken on March 13 – 14, 2021 showing HERNANDEZ.



11. On April 22, 2021, I received damage costs from a General Services administration (GSA) Project Manager. The documents included photos of windows broken from March 11-March 14, 2021 at the Hatfield Courthouse and an itemized bill for window replacement and labor. The GSA Project Manager noted that the windows at this location require a special film for impact, graffiti, and tint, causing the price to be higher than strictly replacing glass. The bill for window replacement totaled \$143,513.50. Photos of some of the damaged windows are below.



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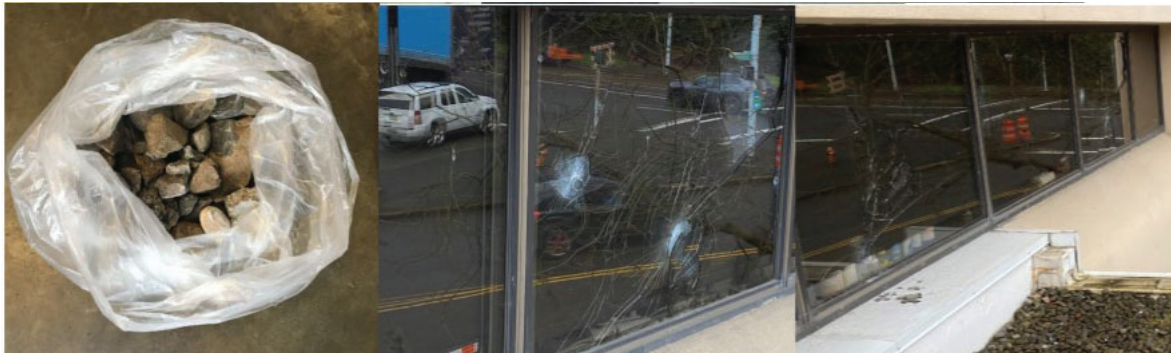
ICE Facility Damage – March 20, 2021

12. I reviewed video retrieved from the CCV system located at the ICE facility for March 20, 2021 between April 14-20, 2021. In the videos, I observed HERNANDEZ throw 26 objects at the facility on March 20, 2021. Photos of HERNANDEZ in the March 20, 2021 video are below as are photos of rocks and damaged windows found at the scene.

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ICE Facility Damage – April 1, 2021

13. Additionally, I reviewed video retrieved from the CCV system located at the ICE facility for April 1, 2021 from April 14-20, 2021. In the videos, I observed HERNANDEZ throw 48 objects at the facility on April 1, 2021. Photos of HERNANDEZ in the April 1, 2021 video are below.

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14. On April 29, 2021, I received a repair quote from the owner of the ICE facility. The repair estimate is for two line items. The first is the replacement of 7 broken insulated windows at a cost of \$9,152.00. The second is for the replacement of 9 broken insulated windows at a cost of \$11,925.00. The owner stated, to the best of his knowledge the first 7 windows were broken by vandals on March 20, 2021 and the additional 9 windows were broken on April 1, 2021.

15. Protest events in Portland are primarily attended by people in “black block,” a term used to describe the all black, nondescript clothing. ANTIFA and other groups have stated that the intent of wearing “black block” is to protect members of the group willing to take “direct action” by making it difficult for law enforcement to identify individuals and further anonymizing them (“direct action” is most often a criminal act of vandalizing property or assaulting people).

16. I have personally met HERNANDEZ on several occasions and can recognize him on sight by his distinctive characteristics and gait. During my viewing of security footage taken

of the Hatfield Courthouse surroundings and the ICE facility, both live and recorded, I was able to readily identify HERNANDEZ. In videos taken March 13, 14, 20 and April 1, I observed that Hernandez was attired in black clothing, but with a white mask and black shoes with white soles. Additionally, HERNANDEZ removes his mask often and he is easily identifiable by his cleanly shaven face and bald head with a grey fringe of hair. HERNANDEZ is 56 years old and moves with a shambling walk, in contrast to the mostly 20-something crowd, which also lends to him being easily identifiable in video.

Conclusion

17. Based on the foregoing, I have probable cause to believe the following violations of 18 U.S.C § 1361 occurred:

A. That on or about March 13, 2021, RICHARD TIMOTHY HERNANDEZ willfully damaged and destroyed, and attempted to damage or destroy, property owned by the United States, that is, glass windows of the Mark O. Hatfield United States Courthouse, which damage exceeds \$1000;

B. That on or about March 20, 2021, RICHARD TIMOTHY HERNANDEZ willfully damaged and destroyed, and attempted to damage or destroy, property leased by the United States, that is, glass windows of the Portland Field Office of Immigration Customs Enforcement, which damage exceeds \$1000; and

C. That on April 1, 2021, RICHARD TIMOTHY HERNANDEZ willfully damaged and destroyed, and attempted to damage or destroy, property owned by the United States, that is, glass windows of the Mark O. Hatfield United States Courthouse, which damage exceeds \$1000;

And I therefore request that the Court issue a criminal complaint and arrest warrant charging HERNANDEZ with these offenses.

18. Prior to being submitted to the Court, this affidavit, the accompanying complaint and the arrest warrant were all reviewed by Assistant United States Attorney (AUSA) Greg Nyhus. AUSA Nyhus informed me that in his opinion, the affidavit is legally and factually sufficient to establish probable cause to support the issuance of the requested criminal complaint and arrest warrant.

(By telephone)

Micah CORING
Senior Special Agent
Federal Protective Service

Sworn to by telephone or other reliable means in accordance with Fed. R. Crim. P. 4.1 at
____ 6:19 pm ~~xxx/xx~~ on May ____ 28 ____, 2021.

/s/ Youlee Yim You

HONORABLE YOULEE YIM YOU
United States Magistrate Judge